

CITY COUNCIL AGENDA

OCTOBER 7, 2003

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
7:00 p.m. - Public Hearings, **CANCELED**
- **Invocation (District 9)**
- **Pledge of Allegiance**
- **Orders of the Day**

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the MACSA Youth Center Eagle Warrior Athletics 19 and Under, 16 and Under, 14 and Under, 12 and Under, 12 and Under Girls, and 10 and Under Futsal Teams. Each of these teams placed at least third, including some National Championships at the 2003 National Futsal Championships in Anaheim, CA. (Campos) (Deferred from 9/16/03 – Item 1.1)
- 1.2** Presentation of a proclamation declaring October 15, 2003 as National Disability Mentoring Day and the month of October 2003 as Employment of Persons with Disabilities Awareness Month, with the theme “America Works Best When All Americans Work.” (Disability Advisory Commission/LeZotte)
- 1.3** Presentation of a check from the SBC San José Golf Classic 2003 to Eagles at Rancho del Pueblo, Youth Golf Program. (Mayor)

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26987 – Amends Sections 11.48.150 and 11.48.160 of Chapter 11.48 of Title 11 of the San José Municipal Code to permanently add a total of 29 additional block segments to the Horace Mann and South University Neighborhood Residential Permit Parking Areas.

2.3 Approval of a Memorandum of Understanding regarding the South Almaden Urban Reserve.

Recommendation: Approval of a second amendment to the Memorandum of Understanding between the City of San José and San José Unified School District regarding the recreational use of certain property in the South Almaden Urban Reserve, extending the term of the MOU to January 22, 2005. (City Attorney's Office)

2.4 Acceptance of the Office of the City Auditor's monthly Report.

Recommendation: Acceptance of the Office of the City Auditor's monthly *Report of Activities and Findings through September 15, 2003*. (City Auditor)

2.5 Approval to amend the agreements with Managed Health Network.

Recommendation:

- (a) Approval of an amendment to the agreement with Managed Health Network (MHN) to add processing and payment of claims for substance abuse treatment to the current employee assistance contract covering non-sworn classifications.
 - (b) Approval of an amendment to the agreement with Managed Health Network (MHN) to add processing and payment of claims for substance abuse treatment to our current employee assistance contract covering sworn classifications.
- CEQA: Not a Project. (Employee Services)

2.6 Approval of an agreement with the San José Public Library Foundation.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the San José Public Library Foundation, through June 30, 2004, in an amount not to exceed \$350,000. CEQA: Not a Project. (Library)

2 CONSENT CALENDAR

2.7 Approval of intention to vacate Crucero Drive.

Recommendation: Adoption of a resolution of intention to vacate a portion of Crucero Drive and reserve a public service easement, and setting a public hearing on November 4, 2003 at 1:30 p.m. Council District 7. SNI: Santee. (Public Works)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee – September 24, 2003 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review October 7, 2003 Draft Agenda
 - (2) Add New Items to September 30, 2003 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointment to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Reports from City Manager and City Attorney regarding further analysis and recommendations related to “Getting Families Back to Work”
- (h) Oral communications
- (i) Adjournment

3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – September 22, 2003

Council Member Williams, Chair

- (a) Report on the Development Services Study
- (b) Discussion on the Economic Strategy
- (c) Discussion on San José's major sales tax generators
- (d) Oral petitions
- (e) Adjournment

4.3 Amendments to the Clean Fuel (Hybrid) Vehicle Purchase Incentive Program.

Recommendation: Approval of amendments to the Clean Fuel (Hybrid) Vehicle Purchase Incentive Program. (Mayor)

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee

Council Member Yeager, Chair

5.2 Approval to amend the agreement for the New Vineland Branch Library Project.

Recommendation: Approval of the first amendment to the agreement with Field Paoli Architects for consultant services for the New Vineland (formerly Blossom Hill) Branch Library Project, increasing the amount of compensation by \$25,500, for a total agreement amount not to exceed \$1,003,000. CEQA: Exempt, H01-12-081. Council District 10. (Public Works)

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee

Council Member Cortese, Chair

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Acceptance of the Watershed Action Plan.

Recommendation: Adoption of a resolution:

- (a) Accepting the Watershed Action Plan as prepared by the Santa Clara Basin Watershed Management Initiative, and
- (b) Authorizing the City Manager to execute the Santa Clara Basin Watershed Management Initiative 2003 Signatory Document, to confirm the City's continued commitment to participate in the Watershed Management Initiative activities.

CEQA: Exempt, PP03-09-291. (Environmental Services)

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment